

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL LAWRENCE LOMBARDO,

Case No. 2:24-cv-01711-KBH

Plaintiff,

v.

CHRISTOPHER BRYAN LEONARD and
IMS TECHNOLOGY SERVICES, INC.,

Defendants.

PLAINTFF'S RESPONSE TO MOTION OF IMS TECHNOLOGY
SERVICES INC. TO DISMSS PURSUANT TO FED. R. CIV. P. 12(B)(6)

The Plaintiff, appearing *pro se*, responds to the referenced motion as follows:

1. In its motion, Defendant IMS Technology Services Inc. ("IMS Technology") argues that, because Pennsylvania law does not recognize a claim of respondeat superior as a stand-alone claim and because I pled that claim against IMS Technology as such, my complaint as against it must be dismissed.

2. Because I am within the time to amend my complaint as of right, Fed. R. Civ. P. 15(a)(1)(B), I have, simultaneously with the filing of this response, filed an amended complaint in which I have, among things, corrected the pleading deficiency upon which IMS Technology bases its motion to dismiss. I have attached a copy of my amended complaint for the Court's convenience as Exhibit A. Alternatively, if I cannot amend my complaint as of right, I ask that the Court grant me permission to file the amended complaint attached hereto.

3. Because my amended complaint moots the basis upon which IMS Technology seeks dismissal, its motion must be denied.

WHEREFORE, I respectfully request that IMS Technology's motion be denied.

Dated: June 8, 2024

Respectfully submitted,



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